



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/149498

PRELIMINARY RECITALS

Pursuant to a petition filed May 16, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on June 18, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner's application for Medicaid.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Belinda Bridges
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On April 19, 2013, the Petitioner applied for Medicaid benefits. The Petitioner reported Social Security Retirement benefits of \$1,264/month.

3. The agency verified that on May 1, 2013, the Petitioner had a checking account with a balance of \$3,414.47 as of April 23, 2013. It was further verified that the Petitioner has access to \$2,150.47 of the balance. In addition, the agency verified that the Petitioner has a life insurance policy with a face value of \$3,665 and a net cash value of \$5,185.
4. On May 6, 2013, the agency issued a Notice of Decision to the Petitioner informing her that her application was denied due to income and assets over the program limit.
5. On May 16, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

To be eligible for Elderly, Blind and Disabled (EBD) Medicaid, an individual must meet the income and asset eligibility criteria.

The “medically needy” income limit for a one-person household is \$591.67. Medicaid Eligibility Handbook (MEH) § 39.5. When an applicant's income is over the MA limit, an MA deductible, also known as a “spenddown”, must be met before eligibility begins. Wis. Stat. § 49.47(4)(c)2; Wis. Admin. Code § DHS 103.08(2)(a); MEH § 24.2.

The asset limit for a one-person household is \$2,000. MEH § 39.4. All checking and savings account funds as well as the cash value of all life insurance policies must be counted in determining whether an individual is under the limit. For life insurance policies for persons over 65, the cash value is counted only when the total face value exceeds \$1,500. MEH § 16.7.5.

In this case, the Petitioner does not dispute her income or assets. She testified that her checking account balance as of June 17, 2013 is \$1,408.06. She further testified that she “gave” her life insurance policy to a funeral home for funeral expenses. She did not provide any documentation of these items. She also testified that she had believed this hearing related to her Medicare benefits. When she learned that this involved her Medicaid benefits, she indicated she does not dispute the agency finding that she is not eligible. I note that this decision does not prohibit the Petitioner from re-applying for benefits and having the agency review her current circumstances.

CONCLUSIONS OF LAW

The agency properly denied the Petitioner’s application for Medicaid benefits.

THEREFORE, it is

ORDERED

That the petition be, and hereby is, dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

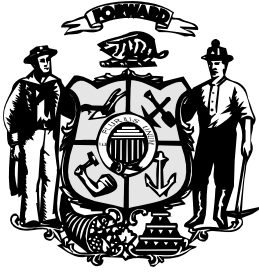
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 25th day of July, 2013

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on July 25, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability